

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ANDREW LEISE,
Plaintiff

V.

Case No. 2:22-cv-9

VERMONT HUMAN RIGHTS
COMMISSION, KEVIN CHRISTIE,
BOR YANG, DA CAPO PUBLISHING,
INC., JOHN AND JANE DOE I-X,
Defendants

SEVEN DAYS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Da Capo Publishing, Inc. d/b/a Seven Days notes as supplemental authority the decision in the case of *Wolfe v. VT Digger, et al.* (Vt. Super. Ct. August 8, 2022), attached as Exhibit 1. The decision relates to the fair report privilege, the Vermont Constitutional privilege, and the United States Constitutional privilege. *See* Doc. 12 at 19-22 (fair report), 24-33 (Vermont Constitutional privilege) & 17-19 (United States Constitution). In response to Mr. Wolfe's complaint, Vermont Digger raised the same arguments that Seven Days raises here. Exhibit 2. The Court found those arguments persuasive and noted:

All of the articles in question are related to issues of public concern by reporting on official police reports and criminal proceedings related to those reports. *Cornelius v. Chronicle*, 2019 VT 4. Vermont has long recognized a privilege to comment on court proceedings and police reports. *See, e.g., Lancour v. Herald & Globe Ass'n*, 111 Vt. 371, 383 (1941). Here, the relevant articles were about public safety, law enforcement activity, potential criminal activity, and arrest reports. Nothing in the complaint as made more definite by Wolfe's later filings raise any issue that the reporting here was not protected as in the exercise of the defendant's constitutional rights. *Cornelius v. The Chronicle, Inc.*, 2019 VT 4, ¶ 10.

Ex. 1 at 2. The Court then held that “the speech he complains of is constitutionally protected by Vermont statute, the Vermont Constitution, and the United States Constitution.” *Id.* at 2.

Dated: Burlington, Vermont
August 9, 2022

/s/ Matthew B. Byrne

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